

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FORTY-THIRD LEGISLATIVE DAY
MONDAY, FEBRUARY 20, 2012

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Stevenson. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Megan Fox, Page.

Approval of Journal

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fortieth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that the following persons be approved as attaches to serve the House of Representatives for and during the Second Regular Session of the Sixty-first Idaho Legislature. Seconded by Mr. Rusche.

Pages:

Candace Aguirre
Aubrianne Christensen
Morgan Fox
Myleah Keller
Rachel Uhlenkott

Charles Baines
Megan Fox
Dain Johnson
Holly Monaghan
Courtney Wills

Whereupon the Speaker declared the motion carried by voice vote and administered the oath of office to the above named attaches.

At this time, the Speaker put the House at ease.

MEMORIAL SERVICE

Opening Remarks Representative Julie Ellsworth
Invocation Representative John Vander Woude

Violin/Viola Duet
Joseph Lim & Chapman Ellsworth
"How Great Thou Art"

Presentation of Memorials

Allen Andersen Representative Elaine Smith
Lee Barnes Representative Stephen Hartgen
Don Brennan Representative Grant Burgoyne
James Elgin Representative Darrel Bolz
Chris Hooper Representative Max Black

Vocal Soloist
Sarah Hart
"Come Thou Fount"

Israel Merrill Representative Dennis Lake
Pat Takasugi Representative Gayle Batt
Martin Trillhaase Representative Jeff Thompson
Jay Webb Representative Phylis King

Violin/Viola Duet
Joseph Lim & Chapman Ellsworth
"Be Still My Soul"

Benediction Representative Maxine Bell

A HOUSE MEMORIAL

WHEREAS, Representative Allen Andersen has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Allen Andersen served in this House, in the interest of District 29, during the Fifty-seventh Legislature, covering the years 2003-2004.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Allen Andersen.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Andersen family.

Representative Elaine Smith paid tribute to the former Representative Allen Andersen.

A HOUSE MEMORIAL

WHEREAS, Representative Lee Barnes has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Lee Barnes served in this House, in the interest of District 23, during the Fiftieth and Fifty-first Legislatures, covering the years 1989-1992.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Lee Barnes.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Barnes family.

Representative Stephen Hartgen paid tribute to the former Representative Lee Barnes.

A HOUSE MEMORIAL

WHEREAS, Representative Don Brennan has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Don Brennan served in this House, in the interest of District 35, during the Forty-first Legislature, covering the years 1971-1972.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Don Brennan.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Brennan family.

Representative Grant Burgoyne paid tribute to the former Representative Don Brennan.

A HOUSE MEMORIAL

WHEREAS, Representative James H. Elgin has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative James H. Elgin served in this House, in the interest of District 11, during the Forty-first and Forty-second Legislatures, covering the years 1971-1974.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of James H. Elgin.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Elgin family.

Representative Darrell Bolz paid tribute to the former Representative James H. Elgin.

A HOUSE MEMORIAL

WHEREAS, Representative Christopher R. Hooper has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Christopher R. Hooper served in this House, in the interest of District 16, during the Forty-fifth through Forty-ninth Legislatures, covering the years 1979-1988.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Christopher R. Hooper.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Hooper family.

Representative Max C. Black paid tribute to the former Representative Christopher R. Hooper.

A HOUSE MEMORIAL

WHEREAS, Representative W. Israel Merrill has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative W. Israel Merrill served in this House, in the interest of District 27, during the Forty-first through Forty-third Legislatures, covering the years 1971-1976.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of W. Israel Merrill.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Merrill family.

Representative Dennis M. Lake paid tribute to the former Representative W. Israel Merrill.

A HOUSE MEMORIAL

WHEREAS, Representative Patrick A. Takasugi has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Patrick A. Takasugi served in this House, in the interest of District 10, during the Sixtieth and Sixty-first Legislatures, covering the years 2009-2011.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Patrick A. Takasugi.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Takasugi family.

Representative Gayle L. Batt paid tribute to the former Representative Patrick A. Takasugi.

A HOUSE MEMORIAL

WHEREAS, Representative Martin B. Trillhaase has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Martin B. Trillhaase served in this House, in the interest of District 29, during the Forty-sixth and Forty-seventh Legislatures, covering the years 1981-1984.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw

public attention by this Memorial to the life and works of Martin B. Trillhaase.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Trillhaase family.

Representative Jeff Thompson paid tribute to the former Representative Martin B. Trillhaase.

A HOUSE MEMORIAL

WHEREAS, Representative Jay L. Webb has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Jay L. Webb served in this House, in the interest of District 18, during the Thirty-ninth and Fortieth Legislatures, covering the years 1967-1970.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Jay L. Webb.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Webb family.

Representative Phyllis K. King paid tribute to the former Representative Jay L. Webb.

Prior to going at ease, the House was at the Seventh Order of Business.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

February 17, 2012

Mr. Speaker:

I transmit herewith [S 1268](#) which has passed the Senate.

NOVAK, Secretary

[S 1268](#) was filed for first reading.

Report of Standing Committees

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 37](#), [HCR 38](#), [H 556](#), [H 557](#), [H 558](#), [H 559](#), [H 560](#), [H 561](#), [H 562](#), and [H 563](#).

WILLS, Chairman

[HCR 37](#) and [HCR 38](#) were filed for second reading.

[H 556](#) was referred to the Education Committee.

[H 557](#), [H 559](#), [H 562](#), and [H 563](#) were referred to the Revenue and Taxation Committee.

[H 558](#) was referred to the Health and Welfare Committee.

[H 560](#) and [H 561](#) were referred to the Local Government Committee.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 404](#), as amended in the Senate.

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 404](#), as amended in the Senate, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 384](#) to the Governor at 12:38 p.m., as of this date, February 17, 2012.

WILLS, Chairman

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 564 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1209, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INVESTIGATION BY THE PROFESSIONAL STANDARDS COMMISSION, TO PROVIDE FOR INVESTIGATIONS OF UNETHICAL CONDUCT, TO REVISE PROVISIONS RELATING TO AN ALLEGATION, TO REVISE PROVISIONS RELATING TO NOTIFICATION, TO REVISE PROVISIONS RELATING TO A HEARING PANEL'S SUBMISSION, TO ESTABLISH PROVISIONS RELATING TO CERTAIN NOTIFICATION BY THE PROFESSIONAL STANDARDS COMMISSION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-1210, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A SIGNED STATEMENT FROM APPLICANTS, TO DEFINE CERTAIN TERMS, TO PROVIDE THAT A SCHOOL DISTRICT SHALL REQUEST CERTAIN INFORMATION FROM AN APPLICANT'S PAST PUBLIC SCHOOL EMPLOYERS, TO REVISE PROVISIONS RELATING TO A HIRING DISTRICT'S REQUEST, TO REVISE PROVISIONS RELATING TO EMPLOYMENT ON A CONDITIONAL BASIS, TO PROVIDE FOR EXCEPTIONS, TO ELIMINATE A REFERENCE TO COLLECTIVE BARGAINING AGREEMENT AND INDIVIDUAL EMPLOYMENT CONTRACT, TO REVISE PROVISIONS RELATING TO THE EXPUNGEMENT OF CERTAIN INFORMATION FROM CERTAIN DOCUMENTS, TO REVISE A DATE, TO REVISE PROVISIONS RELATING TO RULES AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 565 BY EDUCATION COMMITTEE AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-2872, IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL CONTRACTUAL OBLIGATIONS OF CERTAIN INSURANCE COMPANIES AND TO PROVIDE AN

EXEMPTION; AND AMENDING SECTION 41-3927, IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL CONTRACTUAL OBLIGATIONS OF MANAGED CARE ORGANIZATIONS AND TO PROVIDE AN EXEMPTION.

HOUSE BILL NO. 566
BY EDUCATION COMMITTEE
AN ACT

RELATING TO MEDICAL SAVINGS ACCOUNTS; AMENDING SECTION 63-3022K, IDAHO CODE, TO INCREASE THE MAXIMUM INCOME TAX DEDUCTION FOR CONTRIBUTIONS MADE TO MEDICAL SAVINGS ACCOUNTS, TO INCREASE THE AMOUNT EMPLOYERS CAN CONTRIBUTE TO MEDICAL SAVINGS ACCOUNTS FOR EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE A DEDUCTION FOR AMOUNTS CONTRIBUTED TO HEALTH SAVINGS ACCOUNTS WITH A MAXIMUM; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 567
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ADMINISTRATIVE PROCEDURES; AMENDING SECTION 67-5250, IDAHO CODE, TO REVISE THE TYPE OF MATERIALS THAT SHALL CONSTITUTE AGENCY GUIDANCE AND TO PROVIDE THAT ANY STATEMENT IN AN AGENCY GUIDANCE DOCUMENT THAT MEETS THE DEFINITION OF A "RULE" AS SPECIFIED BY LAW SHALL NOT BE FOLLOWED OR APPLIED UNTIL THE STATEMENT IS ADOPTED AS A RULE THROUGH THE RULEMAKING PROCESS.

HOUSE BILL NO. 568
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO VETERANS; AMENDING SECTION 65-501, IDAHO CODE, TO REMOVE REFERENCES TO INITIAL EMPLOYMENT; AMENDING SECTION 65-502, IDAHO CODE, TO REVISE DEFINITIONS AND TO REMOVE THE DEFINITION OF "INITIAL APPOINTMENT"; AMENDING SECTION 65-503A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATION FORMS; AND AMENDING SECTION 65-504, IDAHO CODE, TO REMOVE REFERENCES TO INITIAL APPOINTMENT, TO PROVIDE FOR THE ADDITION OF SPECIFIED PERCENTAGE POINTS TO THE EARNED RATING OF CERTAIN SPOUSES OF SERVICE-CONNECTED DISABLED VETERANS, TO REMOVE PROVISIONS RELATING TO CIRCUMSTANCES UNDER WHICH ADDITIONAL POINTS MAY BE USED, TO REVISE PROVISIONS RELATING TO SERVICE-CONNECTED DISABILITIES AND TO REMOVE PROVISIONS RELATING TO THE ADDITION OF POINTS TO THE EARNED RATING OF CERTAIN WIDOWS, WIDOWERS AND SPOUSES.

HOUSE BILL NO. 569
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2726, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE DESCRIPTION OF CONTROLLED SUBSTANCES.

[H 564](#), [H 565](#), [H 566](#), [H 567](#), [H 568](#), and [H 569](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1268](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[HCR 36](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 498](#) and [H 499](#), by Education Committee, were read the second time by title and filed for third reading.

[HCR 34](#), by Environment, Energy, and Technology Committee, was read the second time by title and filed for third reading.

[H 480](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 519](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[HCR 33](#) - TAX COMMISSION

[HCR 33](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall [HCR 33](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Bedke, Black, Boyle, Nonini, Roberts, Stevenson. Total – 6.

Total – 70.

Whereupon the Speaker declared [HCR 33](#) adopted and ordered the resolution transmitted to the Senate.

[H 450](#) - ALCOHOLIC BEVERAGES

[H 450](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Perry and Ms. Jaquet to open debate.

Mr. Vander Woude asked unanimous consent that, pursuant to Rule 38(3), he be excused from voting on [H 450](#) due to a conflict of interest. There being no objection, it was so ordered.

Pursuant to Rule 38(3), Mrs. McGeachin disclosed a conflict of interest regarding [H 450](#).

Pursuant to Rule 38(3), Mrs. Batt disclosed a conflict of interest regarding [H 450](#).

Pursuant to Rule 38(3), Mr. Guthrie disclosed a conflict of interest regarding [H 450](#).

The question being, "Shall [H 450](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, McGeachin, McMillan, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shirley, Simpson, Smith(30), Smith(24), Thayne, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – Barbieri, Bayer, Boyle, Crane, Marriott, Moyle, Palmer, Schaefer, Shepherd, Sims, Thompson. Total – 11.

Absent and excused – Stevenson. Total – 1.

Excused from voting – Vander Woude. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 450](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that beginning Tuesday, February 21, 2012, legislation on the Third Reading Calendar be placed in the following order: House bills, resolutions, and proclamations, Senate bills, and resolutions. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, February 21, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:23 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk